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ADDITIONAL COUNSEL ON FOLLOWING PAGE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

KEITH GUTHRIE, individually, on a
representative basis, and on behalf of all
others similarly situated;

Plaintiff,

vs.

ITS LOGISTICS, LLC, a Delaware
Company, and DOES 1 through 20, inclusive;

Defendants.

Case No.: 1:21-CV-00729-AWI-EPG
[Assigned to Hon. Erica P. Grosjean, U.S.
Magistrate Judge, Courtroom 10]

**STIPULATION AND ORDER TO
CONTINUE DEADLINE TO FILE
SUPPLEMENTAL PAPERS IN
SUPPORT OF MOTION FOR
PRELIMINARY APPROVAL**

(ECF No. 32)

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Attorneys for Defendant ITS LOGISTICS, LLC

Counsel for Parties, Plaintiff Keith Guthrie and Defendant ITS Logistics, hereby stipulate that the Court may enter an order continuing the deadline to file supplemental papers in support of the Motion for Preliminary Approval of Class Settlement Agreement that is currently set for September 30, 2022 for twenty-one (21) days to October 21, 2022.

The parties met and conferred via email and agree that good cause exists to continue the deadline based on the Declaration of Misty M. Lauby attached hereto.

WHEREFORE, the Parties stipulate to continue the deadline to filed supplemental papers in support of Plaintiff's motion for preliminary approval to October 21, 2022.

Respectfully submitted,

Dated: September 27, 2022

LAUBY, MANKIN & LAUBY LLP

BY: 

Brian J. Mankin, Esq.
Misty M. Lauby, Esq.
Attorneys for Plaintiff

Dated: September 27, 2022

SCOPELITIS, GARVIN, LIGHT,
HANSON & FEARY, P.C.

BY: /s/ Angela S. Cash

Christopher J. Eckhart, Esq.
Angela S. Cash, Esq.
Jared S. Kramer, Esq.

SCOPELITIS, GARVIN, LIGHT,
HANSON & FEARY, LLP

BY: Christopher C. McNatt, Jr., Esq.

Attorneys for Defendant
ITS Logistics, LLC

DECLARATION FO MISTY M. LAUBY

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2 1. I am an attorney licensed to practice before all of the courts of the State of
3 California and the United States District Court Eastern District of California. I am a partner at
4 Lauby, Mankin & Lauby LLP. I represent the Plaintiff in this action, and I am thoroughly
5 familiar wit and have personal knowledge of all the facts set forth herein. I handle the day-to-day
6 litigation in this matter. I submit this declaration in support of the Parties Stipulation to Continue
7 Deadline to File Supplemental Papers in Support of Plaintiff's Motion for Preliminary Approval.

8 2. The Parties herein reached a settlement of the class action on March 8, 2022.

9 3. Thereafter, Plaintiff submitted his Motion for Preliminary Approval of the Class
10 Action Settlement. (ECF Nos. 21, 22, 23).

11 4. The Court held a hearing on August 16, 2022, noting various concerns about the
12 proposed settlement and advised that the parties could address the issues discussed at the hearing
13 in a supplemental filing by no later than September 30, 2022.

14 5. Despite diligent effort to meet this deadline, the Parties have met and conferred
15 and agree that additional time is necessary to address the numerous issues raised during the
16 hearing and subsequent court order.

17 6. Therefore, the parties have stipulated to continue the deadline for 21 days to
18 October 21, 2022 to allow time to ensure that all matters are properly addressed.

19
20 I declare under penalty of perjury that the foregoing is true and correct and that this
21 declaration was executed on September 27, 2022 in Los Angeles, California.

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23 /s/ Misty M. Lauby
24 MISTY M. LAUBY
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ORDER

Having reviewed the Stipulation and Declaration of Misty M. Lauby (ECF No. 32), IT IS ORDERED that the deadline to file supplemental papers in support of Plaintiff's Motion for Preliminary Approval currently set for September 30, 2022, is continued to October 21, 2022.

IT IS SO ORDERED.

Dated: **September 28, 2022**

/s/ Eric P. Grogan
UNITED STATES MAGISTRATE JUDGE